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12 L'ORÉAL USA, INC. and L'ORÉAL S.A.

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 BARE ESCENTUALS BEAUTY, INC., a
17 Delaware corporation,

18 Plaintiff,

19 vs.

20 L'ORÉAL USA, INC., a Delaware corporation,
and L'ORÉAL S.A., a French Société Anonyme

21 Defendants.

22 Case No. C-07-1669 MMC

23 **STIPULATED REQUEST FOR ORDER
24 MODIFYING PRE-TRIAL AND TRIAL
25 DATES; [PROPOSED] ORDER**

26 Pursuant to Civil Local Rules 6-2 and 7-12, Defendant L'Oréal S.A. ("L'Oréal") and
27 Defendant L'Oréal USA, Inc. ("LUSA") (collectively, "Defendants"), and Plaintiff Bare Escentuals
Beauty, Inc. ("Plaintiff" or "Bare Escentuals") agree and stipulate to, and respectfully request the
Court extend the pre-trial and trial dates in this case by four months, as set forth below. Good cause
exists for the request for the following reasons.

28 The Court's current Pre-Trial Preparation Order for this case issued on July 10, 2007.

1 On October 12, 2007, the parties entered into a stipulation regarding jurisdictional discovery
2 and a briefing schedule for L'Oréal S.A.'s Motion to Dismiss for Lack of Personal Jurisdiction
3 ("Motion to Dismiss"). The parties agreed that Plaintiff would be permitted to serve up to ten (10)
4 interrogatories and twenty-five (25) document requests each to Defendants, limited to the
5 jurisdictional issues relevant to L'Oréal's Motion to Dismiss, and that these interrogatories would
6 not count towards the twenty-five (25) interrogatory limit provided for in the case management order
7 and Rule 33 of the Federal Rules of Civil Procedure.

8 On October 15, 2007, Plaintiff served its jurisdictional document requests and interrogatories
9 on Defendants (the "Jurisdictional Discovery Requests").

10 The parties participated in mediation on November 12, 2007. In light of the parties'
11 mediation and progress towards a possible settlement framework, on November 16, 2007, the parties
12 entered into a stipulation extending Defendants' time to respond to jurisdictional discovery and a
13 briefing schedule for L'Oréal's Motion to Dismiss, in order to allow additional time for Defendants
14 to consider the proposed settlement. These mediation discussions did not result in settlement,
15 however, and on December 17, 2007, pursuant to the parties' stipulation, Defendants served written
16 responses and objections to the Jurisdictional Discovery Requests.

17 At Defendants' request, the parties agreed to a 30-day extension of deadlines related to
18 jurisdictional discovery and briefing in order to allow Defendants time to complete their document
19 production, which required Defendants to collect and review documents from Defendant L'Oreal's
20 offices in France, and in order to allow the parties time to attempt to resolve disagreements regarding
21 Plaintiff's Jurisdictional Discovery Requests without the need for Court intervention. On January 31,
22 2008, the parties filed their Stipulated Request for Continuance of Hearing for Motion to Dismiss
23 and for Order Modifying Pre-trial and Trial Dates.

24 On February 6, 2008, this Court granted the parties' January 31, 2008 stipulated request in
25 part, and extended the deadlines related to jurisdictional discovery and briefing and continued the
26 hearing on defendant L'Oreal S.A.'s Motion to Dismiss to May 2, 2008. The Court denied the
27 parties' request for extension of the pre-trial and trial dates, without prejudice to the parties'
28 providing a more detailed showing with respect to such additional relief.

1 The Court's current Pre-Trial Preparation Order sets the cutoff for non-expert discovery for
2 July 31, 2008, less than three months after the scheduled hearing on L'Oreal S.A.'s Motion to
3 Dismiss. The parties are trying to move discovery forward expeditiously and efficiently in light of
4 L'Oreal's Motion to Dismiss. The parties anticipate that discovery from a currently named French
5 defendant with documents and employees in France will require some additional time to complete
6 given the time already set aside to attempt to settle the case, and L'Oreal's pending Motion to
7 Dismiss. Once this Court determines whether L'Oreal should be dismissed or properly remain as a
8 defendant in the case, the parties will require additional time to complete discovery, which will
9 include additional document collection from L'Oreal's offices in France, and depositions of L'Oreal's
10 employees based in France, if L'Oreal remains in the case.

11 For these reasons, the parties jointly agree and stipulate to request that this Court modify the
12 deadlines set forth in this Court's Pre-Trial Preparation Order issued on July 10, 2007 as set forth
13 below.

14 1. The pre-trial and trial dates set forth in this Court's Pre-Trial Preparation Order issued
15 on July 10, 2007 are extended, as set forth below:

- 16 • JURY TRIAL DATE: May 18, 2009 at 9:00 a.m., Courtroom 7, 19th Floor.
- 17 • NON-EXPERT DISCOVERY CUTOFF: November 24, 2008.
- 18 • DESIGNATION OF EXPERTS (Plaintiff/Defendant): No later than January 5, 2009.
- 19 • DESIGNATION OF EXPERTS (Plaintiff/Defendants): Rebuttal no later than
20 January 26, 2009.
- 21 • EXPERT DISCOVERY CUTOFF: February 23, 2009.
- 22 • DISPOSITIVE MOTIONS shall be filed no later than March 13, 2009, and shall be
23 noticed for hearing 35 days thereafter.
- 24 • PRETRIAL CONFERENCE DATE: May 4, 2009 at 3:00 p.m.
- 25 • MEET AND CONFER (Civil L.R. 16-10(b)(5)): Lead trial counsel shall meet and
26 confer no later than May 4, 2009.
- 27 • FURTHER STATUS CONFERENCE: Friday, February 13, 2009 at 10:30 a.m.
- 28 • FURTHER STATUS CONF. STATEMENT DUE: Friday, February 6, 2009.

Respectfully submitted,

DATED: February 13, 2008

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DATED: February 13, 2008

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I attest that concurrence in the filing of this document has been obtained from T. Lee Kissman, counsel for Plaintiff.

By: /s/ Jennifer A. Golinveaux

Jennifer A. Golinveaux
Attorney for Defendants
L'ORÉAL USA, INC. and L'ORÉAL S.A.

1 PURSUANT TO STIPULATION, IT IS ORDERED that:

2 1. Certain dates provided in this Court's Pre-Trial Preparation Order issued on July 10, 2007
3 shall be extended as set forth below:

- 4 • JURY TRIAL DATE: May 18, 2009 at 9:00 a.m., Courtroom 7, 19th Floor.
- 5 • NON-EXPERT DISCOVERY CUTOFF: November 24, 2008.
- 6 • DESIGNATION OF EXPERTS (Plaintiff/Defendant): No later than ~~January 5, 2009~~ December 19, 2008.
- 7 • DESIGNATION OF EXPERTS (Plaintiff/Defendants): Rebuttal no later than January 9, 2009.
8 ~~January 26, 2009~~ January 30, 2009.
- 9 • EXPERT DISCOVERY CUTOFF: ~~February 23, 2009~~ February 13, 2009
- 10 • DISPOSITIVE MOTIONS shall be filed no later than ~~March 13, 2009~~, and shall be
11 noticed for hearing 35 days thereafter.
- 12 • PRETRIAL CONFERENCE DATE: ~~May 4, 2009~~ May 5, 2009 at 3:00 p.m.
- 13 • MEET AND CONFER (Civil L.R. 16-10(b)(5)): Lead trial counsel shall meet and
14 March 30, 2009.
confer no later than ~~May 4, 2009~~.
- 15 • FURTHER STATUS CONFERENCE: Friday, February 13, 2009 at 10:30 a.m.
- 16 • FURTHER STATUS CONFERENCE STATEMENT DUE: Friday, February 6,
17 2009.

18 IT IS FURTHER ORDERED that a SETTLEMENT CONFERENCE shall be held before Magistrate
19 Judge Elizabeth D. Laporte and scheduled to take place no later than 30 days prior to the Pretrial
Conference.

20 Dated: February 20, 2008


21 THE HONORABLE MAXINE M. CHESNEY

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28 Case No. C-07-1669 MMC

5 STIPULATED REQUEST FOR ORDER MODIFYING
PRE-TRIAL AND TRIAL DATES; [PROPOSED]
ORDER